



Dkt. 2094/67723-A/JPW/FHB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Paz Einat et al.
Serial No. : 10/618,143
Filed : July 11, 2003
For : ISOCITRATE DEHYDROGENASE AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
November 14, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL OF VERIFIED STATEMENT
(DECLARATION) CLAIMING SMALL ENTITY STATUS UNDER
37 C.F.R. §1.9(f) AND §1.27(c)**

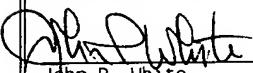
Quark Biotech, Inc., the assignee, submits herewith a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9(f) and §1.27(c) as **Exhibit 1**. This Verified Statement is signed by Judith Abrahams, the authorized official of the assignee of record, Quark Biotech, Inc.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

 11/14/03
John P. White Date
Reg. No. 28,678

Applicant or Patentee: Paz Einat et al.

Attorney's
Docket No.: 67723-A/JPW/FHB

Serial or Patent No.: 10/618,143

Serial or Return
Filed or Issued: July 11, 2003

Filed or Issued: July 11, 1972



VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)
AND §1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

the owner of the small business concern identified below.

X an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: Quark Biotech, Inc.

Address of Concern: 10265 Carnegie Avenue
Cleveland, Ohio 44106

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-1B, reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41(a) and §41(b), in that the number of employees of the concern, including those of its affiliates, does not exceed five hundred (500) persons. For purposes of this verified statement, the number of employees of the business concern is the average number, over the previous fiscal year, of the persons employed by the business concern on a full-time, part-time, or temporary basis during each pay period of the fiscal year, and concerns are affiliates of each other when, either directly or indirectly, one concern controls or has power to control the other, or a third party or parties controls or has power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled

L-SOCYLIC ACID DEHYDROGENASE AND USES THEREOF

described in:

X the specification filed herewith
application serial no. 10/618,143 filed July 11, 2003
patent no. _____ issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.9(c)*, any concern which could not qualify as a small business concern under 37 C.F.R. §1.9(d)* or as a nonprofit organization under 37 C.F.R. §1.9(e)*.

Name :

Address:

Individual Small Business Concern Nonprofit Organization

^aNOTE: Separate verified statements are required for each named person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Judith Abrahams, Ph.D.
Title in Organization: Vice President, Intellectual Property
Address: _____
Signature: Judith Abrahams
Date of Signature: 23 July 2003